

1893-039 Chancery Causes: W. B. Nickels vs. S. L. Ward &c  
Lee Co.

Lunsford

CA-Debt  
T-Property

Virginia.

To the honorable W. S. K. Morrison Judge of  
the Circuit Court of Lee County.

Humbly Complaining, your orator W. B. Nickles  
who sues for himself and such other lien  
creditors of S. L. Ward as shall come in, take  
part in and share the costs of this suit, would  
respectfully represent and shew unto your  
honor, that on the 22nd day of August 1891,  
he recovered before A. J. Litton a Justice of the Peace  
of said County, a Judgment against said S. L.  
Ward for the sum of \$83.27, with interest thereon  
from the 20th day of March 1891, and \$1.00 costs,  
which Judgment was stayed before said Justice  
by said Ward for 90 days, by Nelson Lunsford &  
Catharine Lunsford, undertaking as securities  
for the payment thereof, and by which under-  
taking they became securities <sup>for the</sup> for the payment  
of said Judgment. An execution was issued  
on said Judgment and returned no property  
found, and your Complainant has had said  
Judgment docketed in the lien docket in the  
office of the Clerk of the County Court of said  
County. A copy of said Judgment <sup>is</sup> ~~is~~  
the docketing of the same, together with the execu-  
tion issued thereon and the officers return  
on said execution is herewith filed as part  
hereof marked exhibit "A"; that no part of said  
Judgment has ever been paid, and so far as your



orator knows there may be other judgments  
that bind the land of the said Ward<sup>and his</sup>  
The said S. L. Ward is seized and possessed  
in his own right of the following tract of  
land containing        acres, on which he  
now resides, lying on head of Wallen's creek  
in said County, and adjoining the lands of  
Mr P Druff and others. Your orator avers and  
charges that the rents and profits of the said land  
will not in five years satisfy the liens upon  
the same, and that he is therefore entitled to  
have the said land sold to satisfy his own  
and the other liens, if any, thereon.

In consideration whereof, he prays that the said  
S. L. Ward, <sup>Nelson Lumsford & Catharine Lumsford</sup> be made defendants to this bill, and  
required to answer the same on oath; that proper  
process issue; that all proper orders and accounts  
be directed and taken; that the lien creditors  
of the said S. L. Ward, <sup>& Lumsfords</sup> be convened before a  
Commissioner in Chancery of this Court; that  
the lien debts of the said S. L. Ward, <sup>& Lumsfords</sup> be ascertained,  
and the amounts thereof and their order of  
priority of lien be established; that if it appears  
that the rents and profits of the said land  
will not in five years pay the liens upon  
the same, that it or so much thereof as will  
suffice to pay the liens thereon and costs of  
suit and sale, be sold, and the proceeds there



of be applied to the payment of the said liens  
and costs; that if such rents will so suffice  
the lands be rented out, and the rents and  
profits thereof be applied to the said liens until  
they are fully satisfied; and that all such other  
further and general relief may be given  
as in the premises is just and right. And  
your orator will ever pray &c.

J. D. Carter  
James W Orr } p. q.



W. B. Nichols

vs. Bill in Chy.

S. L. Ward & als.

1892 1st May Rules Bill

Filed Spd Edt & Dct.

" 2. May Rules Dct.

Could Cause set  
Lothearing by Dct.

" June Term Decree  
& continued

" Nov. no court

1893. March Court

" June Decree final

O. B. 474



W. B. Nickels vs Samuel L Ward et al. - In chancery  
Richmond & Orr vs Samuel L Ward. - In chancery

The claims of the plaintiffs in these causes  
having been fully paid, on their motion  
these causes are stricken from the docket.

W. B. Nichols  
vs  
Samuel Ward et als.  
Richmond & Orr.

vs  
Samuel Ward.

Entered Chex. Order  
Book page 474

June 6 1893.

J. A. G. Hyatt

Ente  
H. S. K. M.  
...

June 6 1893



W. B. Nichols

26  
J. H. Ward et al.

This cause came on again today to a hearing on report of Commissioner and it appearing the said Commissioner who was appointed to ascertain liens etc had not fully reported it is adjudged ordered and decreed that <sup>that the same be reexamined</sup> ~~that~~ C. H. Brown who is hereby appointed a special Commissioner for the purpose after giving due notice of the times and places of his sittings proceed to take and take and account of all the liens against the lands of the defendant, their nature and priorities and report his action to the next term of this honorable Court and this cause is continued.



M. B. Nichols  
residence  
L. G. Nichols



W. B. Nichols,

Plff

In Chy.

against-

S. L. Ward & als. Defts.

This cause came on to be heard upon the bill of Complaint, and exhibited therein, the process duly executed on the defendants, and was argued by Counsel. On consideration thereof, and it appearing to the Court that the cause has been regularly matured at rules, and set for hearing by plaintiff and the defendants failing to appear, It is adjudged, ordered and decreed that the plaintiff recover against the defendants \$84.27, the amount of the judgment in the bill mentioned, with legal interest on \$83.27 part thereof from the 20th day of March 1891 until paid, and the costs of this suit, and it being suggested that there are probably other liens that bind said defendants real estate, it is further ordered that M. G. Ely, who is appointed a special Commissioner for the purpose, do ascertain and report to this Court the liens upon defendants real estate, and what real estate they or any of them own, and where situated, and whether or not the rents and profits of said real



estate will, in five years pay and discharge said liens and the costs of this suit. Said Commissioner will give due notice of the time and place of his sittings. And report any matter deemed pertinent by him as required by the parties. And the Cause is continued.

W.B. Nichols

Deene

S.F. Wail et al

Entered Chas. B. B.  
page 397 June  
9<sup>th</sup> 1892.  
J. Hyatt

Enter this date

H.R. M.

June 9<sup>th</sup> 1892



To The Honorable H. S. K. Harrison Judge  
of The Circuit Court of Lee County.  
Your Commissioner M. G. Ely in  
Obedience to a decree rendered at the June  
term of Circuit Court 1892 would respect-  
fully report unto your honor that after  
due notice; a copy of which is herewith filed,  
that on the 18th. day of Oct. 1892, he proceeded  
to ascertain (in the suit of W. B. Nichols vs. S. L. Ward  
Nelson Lunsford Ed Catharine Lunsford) how  
much real estate they own, where situated, what  
debts are liens on the same and for how much  
said lands would rent, <sup>in five years.</sup> Your Commissioner  
reports that he has ascertained that S. L. Ward is the  
owner of two tracts of land situated on the  
head of Wallers creek and south side of Wallers  
ridge. The first tract his home farm consists  
of 160 acres, on which there are two deeds of Trust  
in favor of J. J. C. Old Elbert Flanary. First deed of Trust  
for \$204<sup>49</sup> recorded in deed book 25, Page 573. The  
Second deed of Trust - \$269<sup>21</sup>, recorded in deed book 2304  
page 538-9 in County Court clerks office. Said S. L. Ward  
is the owner of another tract of land adjoining the  
first containing about 80 acres, both tracts decen-  
ded from his Father Sam Ward dec. And your Commissioner  
says that there is docketed on the Judgment lien docket  
in favor of Nicholson and Ed Cr. W. S. L. Ward a judgment  
for \$60<sup>00</sup> and costs which was docketed Apr. 1891. and  
said judgment lien and two deeds of Trust aforementioned  
are prior liens. He says that there is also docketed against  
said S. L. Ward on Judgment lien docket in County Court  
clerks office a Judgment in favor of A. H. Gobble



and in favor of W. B. Nichols & Son,  
of \$945<sup>00</sup> — which have the same priority as  
the claim of W. B. Nichols the Plaintiff in this  
suit. Your Commissioners report that  
Nelson Lunsford & Catharine Lunsford are  
the owners in their right of a tract of land  
containing 160 acres situated in the wild cat  
valley on which there are no liens except  
the Plaintiff in this suit. From the best  
information your Commissioners could gather  
the lands of A. L. Ward, Nelson Lunsford & Catharine  
Lunsford would net for something  
like \$100<sup>00</sup> per annum, which would make in  
five years, \$750<sup>00</sup> and having reported all the facts  
necessary and deemed pertinent by your Commission  
the whole is most respectfully submitted,  
Com. fees. \$750<sup>00</sup>

M. G. Ely

Special Commissioner

W. B. Nichols Plff.

Commissioners Report

A. L. Ward & Cath.

Filed Oct '20" 1892.

J. S. Hyatt



M. G. ELY,  
Attorney - at - Law.

Turkey Cove, Va., Oct. 26<sup>th</sup>, 1892.

Uncle Wesley -

I have made up my reports in these cases very hurriedly, and if they won't pass, You will have to rewrite them. I have the facts just right - There may be something wrong in the verbage. Can't be drawn until Court. I make a "recount, rescind" contract for L. J. Hamblen and F. M. Clockston to night and go to Hamblens some time this week -

Best

M. G. Ely -



Virginia Lee County to wit

to G. E. Arty, Constable of said county, I here by  
command you to summons S. L. Word if to be  
found in your district to appear at A. J. Littens  
in said county on the 22 day of August 1891.

before me or such other justice of said county  
as may there be there to try this warrant to answer  
the complaint of W. B. Nickles, ~~\$83.42~~ ~~cts~~  
~~due by note~~ and up on a claim for money  
not exceeding \$100. or. exclusive of interest to wit  
for the sum of \$83.42 cts Due by note  
and there and there make return of this warrant  
given under my hand the 17 day August 1891

A. J. Littens J. P.

Wm B. Nickles { on the 22<sup>nd</sup> day of August  
against { 1891, indebted,

S. L. Word. (at) A. J. Littens in said County  
Judgment that the Plaintiff recover of the  
defendant \$83.42 with interest thereon from the 20<sup>th</sup>  
day of March 1891 till Paid and \$1.00 for costs

A. J. Littens J. P.

Virginia Lee County to wit  
to George E. Arty, Constable of said County  
I command you in the name of the Commonwealth  
of Virginia that of the goods and chattels of  
Samuel L Word Nelson Lunsford and Katherine  
Lunsford in your County you Cause to  
be made the sum of \$83.42 <sup>27</sup>/<sub>100</sub> with interest  
thereon from the 20<sup>th</sup> day of March 1891 till  
Paid, which Wm. B. Nickles has recovered —



Wm B. Chickles } The 22 of August 1891  
 Samuel L Ward } Judgment having been Rendered  
 in this Case for \$83.27 Exclusive of interest  
 and Costs and the defendant having  
 requested Stay of Execution upon the  
 Said Judgment, whereupon Nelson Lunsford  
 and Catharine Lunsford, undertook as  
 the Surety of the said Samuel L  
 Ward for the Payment of the said  
 Judgment, Execution is stayed  
 thereon for 90 days from the date  
 A. J. Litten J. P.

A. J. Litten J. P.  
 95 day from 1891  
 Judgment given under my Hand this 22<sup>nd</sup>  
 to said Wm B. Chickles for Court in executing said  
 also the sum of \$100 which was advanced  
 to him in a mortgage in debt, and

W B Chickles

S. L. Ward

Executed August  
the 17

G. E. Avey, const

Returned me

Property found

Aug 30<sup>th</sup> 1892

G. E. Avey

const

Filed March 8<sup>th</sup> 1892

J. R. Gibson esq.

24

250



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*S. L. Ward,*  
*Nelson Lunsford and*  
*Catharine Lunsford,*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *May* next, being rule day to answer a bill in Chancery exhibited in our said Court  
against *them* by *W. B. Nickles*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.  
This *20<sup>th</sup>* day of *April* 18*92*, in the 11<sup>th</sup> year of the Commonwealth.

A Copy Teste

*J. A. G. Hyatt* Clerk.



(1670)

M. B. Pickles

vs 3 Spain  
3 Chay

S. L. Ward et al

Lo 1st May 1892

Executed by Delivering  
an office copy to  
S. L. Ward & Son,  
Gunnepord St  
Leathrine Lane Apr the

30 1892 L. M. Wade  
Deputy for C. E.

January S. L. C.